TABLE OF CONTENTS

SH 2465543

14 Witness [redacted] (IAB)

15a Witness [redacted] (HOM 1)

15b Witness [redacted] (HOM 2)

16 Witness [redacted] (HOM)

17 Witness [redacted] (HOM)

18 Suspect Halcyon Johnson (HOM)

19 Subject [redacted] (HOM)

EXHIBITS

A One (1) DVD Containing Homicide Casebook #018-13739-2814-034 by Detective Acebedo and Detective Amador, includes Audio Interviews

B One (1) DVD Containing Hogan Mini Market Closed Circuit Surveillance Video and Still Photographs of Robbery

C One (1) DVD Containing Two Audio Files of 9-1-1 Calls by Witness [redacted] and Witness [redacted]

D Incident History Report Compton Station September 24, 2018, Incident #CPT18267-0091

E One (1) Compact Disc (CD-R) Containing Sheriff's Communication Center Certified Copy of All Associated Radio Traffic

F Map of the Surrounding Area of the Incident and Code 9 Path of Travel

G One (1) DVD Containing Photographs of Suspect Gun and Its Location

H One (1) DVD Containing Scene Photographs of Damage to Detective Vehicle SD6997, Suspect Vehicle and Suspect Vehicle Final Position

I Eastern Body Accident Report for Detective Vehicle SD6997; dated 10/30/18

J The Justice System Integrity Division of the Los Angeles County District Attorney's Office, Lett of Opinion; dated



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

JAMES W. GARRISON • Director

January 13, 2020

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Halcyon Johnson
J.S.I.D. File #18-0398
L.A.S.D. File #018-13739-2814-034

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 24, 2018, non-fatal shooting of Halcyon Johnson by members of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy [redacted] #[redacted]
Deputy Jesus Sandoval, #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.co.la.ca.us

MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Halcyon Johnson
J.S.I.D. File #18-0398
L.A.S.D. File #018-13739-2814-034

DATE: January 13, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 24, 2018, non-fatal shooting of Halcyon Johnson by Los Angeles County Sheriff's Department (LASD) Deputies [redacted] and Jesus Sandoval. We have concluded that the deputies acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 11:00 a.m. on September 24, 2018. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings of interviews, firearm analysis reports, crime scene diagrams and sketches, photographs, video evidence, and witness statements submitted to this office by LASD Detectives Kevin Acebedo and Robin Amador. The voluntary statements of the involved deputies were considered as part of this analysis.

FACTUAL ANALYSIS

The Armed Robbery

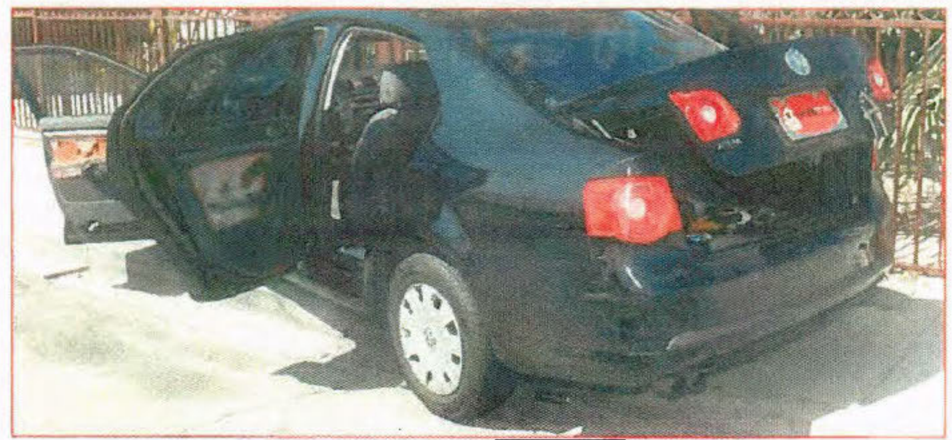
On September 24, 2018, at 9:21 a.m., Halcyon Johnson and [redacted] agreed to rob a convenience store. They drove to the store, parked around the corner, and entered the store together. [redacted] pointed a loaded 9mm semiautomatic handgun at the clerk and demanded he open the cash drawer. The clerk complied and [redacted] took U.S. currency from the cash drawer. Johnson then picked up the entire cash register and fled with it through the front door to the getaway car. While running to the car, [redacted] dropped the gun in the middle of the street. Johnson and [redacted] continued to run away without picking up the gun, entered the car, and drove away. A photograph of [redacted] pointing the gun at the clerk during the robbery, and Johnson running away with the cash register, is shown below:



Figure 1- Photo of [redacted] *Pointing a Gun at the Clerk and Johnson Running Away with the Cash Register.*

The 9-1-1 Call

At 9:24 a.m. a 9-1-1 caller reported that a robbery had just occurred at a convenience store. The caller stated the suspects were two men with a gun and they were last seen driving away from the location in a black Toyota with no license plates (the vehicle was later identified as a black Volkswagen Jetta with no front license plate and a rear paper plate). LASD dispatched the call immediately. [redacted] and Sandoval were working in the area, in uniform, and driving an unmarked police vehicle. They responded to the radio call, drove to the area where the robbery occurred, saw the Jetta, and followed it. A photograph of the Jetta is shown below:


Figure 2- Photo of Johnson and [redacted] *Black VW Jetta.*

The First Shooting

Johnson and [redacted] decided to return and retrieve their gun. As [redacted] and Sandoval followed the Jetta, it stopped suddenly in the street. The driver, later identified as Johnson, exited the vehicle and picked up the gun from the street. As [redacted] and Sandoval approached, Johnson pointed the gun at them. [redacted] who was driving the vehicle, accelerated toward Johnson in an attempt to prevent him from shooting them. Sandoval, who was in the passenger seat of the police car, drew his service weapon and discharged two rounds at Johnson through the windshield, striking Johnson. The police car struck the rear of the Jetta as Johnson and [redacted] who was in the passenger seat, ran away together.[1] A photograph of the bullet holes in the windshield of the police car, caused by [redacted] shooting through it, is shown below:



Figure 3- Photo of Bullet Damage to Windshield of the Police Car.

The Second Shooting

Despite his injuries, Johnson continued to run down the street, still holding the gun. [redacted] exited the police car and yelled, "Stop!" Johnson slowed, turned his body to the right toward Sandoval and [redacted] raised the gun to chest level, and pointed it at [redacted] and Sandoval again. In fear that Johnson was going to fire his weapon, [redacted] discharged one round from his service weapon at Johnson, striking him. Johnson fell to the ground and dropped the gun.

The Arrests

Johnson got up and continued to run away, without the gun, and was arrested a short time later. Johnson sustained gunshot wounds to his right flank, left scapula, left shoulder, left hand, and left lower arm and was transported to the hospital for treatment. Based upon his actions, he has been charged with one count of robbery and two counts of assault with a firearm on a peace officer in Los Angeles Superior Court case number TA147208. That case is pending trial.

---

[1] It does not appear that Johnson was struck by the police car.

[redacted] ran from the scene with Johnson when the Jetta came to rest, and after Sandoval discharged two rounds. A short time later, [redacted] was found hiding nearby and was arrested. He was charged in juvenile court with robbery and assault with a firearm. Those charges were dismissed. Attempted robbery and minor in possession of a firearm charges were sustained.

Firearms Evidence

[redacted] and Sandoval were both armed with 9mm semiautomatic handguns loaded with 17 rounds in the magazine and one round in the chamber. Five expended 9mm cartridge casings were recovered from the scene. After the shooting, [redacted] gun was inspected and contained 16 rounds in the magazine and one in the chamber, consistent with him firing one round during the shooting. Sandoval's gun was inspected and contained 13 rounds in the magazine and one round in the chamber, consistent with him firing four rounds during the shooting.

The Gun

Johnson and [redacted] were armed with an operable 9mm semiautomatic handgun with eight live rounds in the magazine. When the gun was inspected, there was no round in the chamber, the magazine was not seated, and the hammer was back, in a firing position. A photograph of the gun where it was recovered after Johnson dropped it is shown below:



Figure 4- Photo of Johnson and [redacted] Loaded 9mm Handgun.

LEGAL ANALYSIS

The Law

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger need not to have actually existed. *Id.*

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. *Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Id.* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with

the 20/20 vision of hindsight… The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

Analysis

There is compelling evidence in this case, including video evidence, that Johnson and [redacted] were armed with a firearm, robbed a convenience store, held the cashier at gunpoint, and were actively attempting to escape when they encountered [redacted] and Sandoval, who knew that they were dealing with armed suspects. When [redacted] and Sandoval approached, Johnson exited his car, picked up a gun, and pointed it at them. The gravity and imminence of that deadly threat was demonstrated by [redacted] decision to accelerate the police car toward Johnson, and Sandoval firing his duty weapon through his own windshield, to protect themselves. Sandoval's use of deadly force to protect himself and his partner was reasonable under the circumstances. Johnson continued to flee with the gun, turned toward [redacted] and Sandoval, and raised the gun in their direction again. Fernandez reasonably believed that Johnson continued to be a deadly threat and was going to shoot them. Therefore, [redacted] was also justified in firing his service weapon at Johnson.

CONCLUSION

We find that Deputy Sandoval and Deputy [redacted] acted lawfully in self-defense and in defense of others when they used deadly force against Halcyon Johnson. We are closing our file and will take no further action in this matter.